

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Thomas Daley, <i>et. al.</i>)	Art Unit: 3696
)	
Application No:)	Confirmation No.: 4387
10/766,965)	
)	
Filed: January 29, 2004)	Examiner: Gerald Vizvary
)	
For:)	
)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PETITION FOR EXTENSION OF TIME

Pursuant to 37 C.F.R. § 1.136(a), we hereby petition for a three-month extension of time to respond to the Office Action dated February 7, 2008.

The Commissioner of Patents is hereby authorized to charge Deposit Account No. 50-3938 in the amount of \$ 1,050.00 in connection with the petition for extension of time. The Commissioner of Patents is hereby authorized to charge payment of any additional filing fees required under 37 C.F.R. § 1.17 in connection with the present application, or credit any overpayment of same to Deposit Account No. 50-3938.

REPLY TO OFFICE ACTION

In response to the Office Action mailed February 7, 2008, please amend the above-identified application as follows.

Although no fee is believed to be due, the Commissioner is authorized to charge any deficiencies or credit any overpayments to Deposit Account No. 50-3938.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 7 of this paper.

In the Claims:

1-11. Cancelled.

12. (Currently Amended) A method ~~for avoiding costs associated with trading orders,~~
comprising:

receiving information about storing an a first order, in which the information
includes:

at least one parameter of the identifier associated with a trading first order;
an identity of a market center to which the first order is to be routed; and
an indication that the market center charges a transaction cost for orders that
are processed after a length of time;

assigning storing a time threshold associated with to the trading first order, in
which the time threshold comprises monitoring the length of time the trading order is
active with a of the market center less a pre-determined amount of time that is processing
the trading order;

determining a timeout when that the first order has not been processed before the
length of time the trading order is active with the market center equals or exceeds the time
threshold; and

transmitting communicating a cancel an instruction to cancel for the trading first
order in response to determining the timeout

generating a second order, in which the second order comprises the at least one
parameter of the first order; and

routing the second order to the market center.

13. (Currently Amended) The method of claim 12, ~~wherein the order identifier comprises~~
~~an internal order identifier, and~~ further comprising:

calculating the time threshold of storing an external order identifier associated with
the first internal order identifier and the trading order;

~~communicating an order instruction for the trading order in response to determining the timeout; and~~

~~assigning a new internal order identifier associated with the order instruction.~~

14. (Currently Amended) The method of claim 12 ~~further comprising, wherein~~ monitoring ~~the length of time a status of the trading first order is active with the market center is initiated in response to receiving an acknowledgment that determine whether the trading first order is active with~~ has been processed by the market center.

15. (Currently Amended) The method of claim 42 ~~14, wherein in which the act of monitoring the order identifier comprises an internal order identifier, and further comprising comprises:~~

~~using a timer to measure a length of time that storing an external order identifier associated with the internal first order identifier and the trading order is active within the market center; and~~

~~receiving an indication that a cancel request for the trading order, the length of time that cancel request specifying the external first order is active within the market center equals the time threshold identifier; and~~

~~determining the internal order identifier associated with the specified external order identifier; wherein the cancel instruction specifies the determined internal order identifier.~~

16. Cancelled.

17. (Currently Amended) The method of claim 42 ~~15, wherein in which the timer trading order specifies at least one of a bid request and an offer request for a trading product, begins measuring as soon as the trading first order further specifying a quantity for is routed to the trading product market center.~~

18. (Currently Amended) The method of claim 42 ~~14, wherein in which the act of~~

~~monitoring is performed by a timer time threshold specifies a length of time that is a predetermined amount of time less than the length of time the market center will process the trading order before charging a transaction cost.~~

19-20. Cancelled.

21. (Currently Amended) The method of claim 12, ~~wherein~~ in which the status time threshold is further associated with the market center that is processing of the trading first order comprises one of:

a pending state;

a filled state;

a cancelled state; and

a terminated state.

22. (Currently Amended) The method of claim 12, ~~wherein the order identifier comprises an internal order identifier, and further comprising:~~

assigning ~~storing~~ an external order identifier associated with the internal order identifier and to the trading first order;

receiving ~~a first acknowledgment message indicating that the market center has filled at least a portion of the trading order, the first acknowledgment message specifying the internal trading order;~~

assigning ~~determining the external order identifier associated with the~~ an internal order identifier; and generating a second acknowledgment message for communication to a trader associated with the trading order, the second acknowledgment message specifying the external order identifier and indicating that the market center has filled at least a portion of to the trading first order.

23-33. Cancelled.

34. (New) An apparatus of comprising:
a processor; and
a memory, in which the memory stores instructions which, when executed by the processor, direct the processor to perform the method of claim 12.
35. (New) The apparatus of claim 34, in which the memory stores instructions which, when executed by the processor, direct the processor to perform the method of claim 13.
36. (New) The apparatus of claim 34, in which the memory stores instructions which, when executed by the processor, direct the processor to perform the method of claim 14.
37. (New) The apparatus of claim 36, in which the memory stores instructions which, when executed by the processor, direct the processor to perform the method of claim 15.
38. (New) The apparatus of claim 37, in which the memory stores instructions which, when executed by the processor, direct the processor to perform the method of claim 17.
39. (New) The apparatus of claim 36, in which the memory stores instructions which, when executed by the processor, direct the processor to perform the method of claim 15.
40. (New) The apparatus of claim 34, in which the memory stores instructions which, when executed by the processor, direct the processor to perform the method of claim 21.
41. (New) The apparatus of claim 34, in which the memory stores instructions which, when executed by the processor, direct the processor to perform the method of claim 22.
42. (New) An article of manufacture comprising:
a storage medium, in which the storage medium stores instructions which, when executed by a processor, direct the processor to perform the method of claim 12.

43. (New) The article of manufacture of claim 42, in which the storage medium stores instructions which, when executed by the processor, direct the processor to perform the method of claim 13.

44. (New) The article of manufacture of claim 42, in which the storage medium stores instructions which, when executed by the processor, direct the processor to perform the method of claim 14.

45. (New) The article of manufacture of claim 44, in which the storage medium stores instructions which, when executed by the processor, direct the processor to perform the method of claim 15.

46. (New) The article of manufacture of claim 45, in which the storage medium stores instructions which, when executed by the processor, direct the processor to perform the method of claim 17.

47. (New) The apparatus of claim 44, in which the memory stores instructions which, when executed by the processor, direct the processor to perform the method of claim 18.

48. (New) The apparatus of claim 42, in which the memory stores instructions which, when executed by the processor, direct the processor to perform the method of claim 21.

49. (New) The apparatus of claim 42, in which the memory stores instructions which, when executed by the processor, direct the processor to perform the method of claim 22.

REMARKS

A. Status of the Application

- Claims 12 to 15, 17, 18, 21, 22 and 34 to 49 are pending in the application, of which claims 12, 34 and 42 are independent claims.
- Claims 1 to 11, 16, 19, 20 and 23 to 33 are cancelled.
- Claims 12 to 15, 17, 18, 21 and 22 are amended.
- Claims 34 to 49 are added. No new matter has been introduced.

Accordingly, entry of the amendments and new claims are respectfully requested. Applicants have added and amended the claims to recite particular embodiments that Applicants, in their business judgment, have determined to be commercially desirable at this time.

Applicants intend to pursue the subject matter of the previously cancelled claims, in one or more continuing applications.

B. Claim Rejections Under 35 U.S.C. § 112

On page 2, the Office Action rejected claims 9, 20 and 31 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter. Claims 9, 20 and 31 are cancelled.

C. Claim Rejections Under 35 U.S.C. § 102

On page 3, the Office Action rejected claims 1 to 33 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,408,282 ("Buist"). However, no *prima facie* case of anticipation has been proven for any of the claims.

Independent claims 12, 34 and 42, describe, *inter alia*, "receiving information about a first order in which the information includes... an identity of a market center to which the first order is to be routed; and an indication that the market center charges a transaction cost for orders that are processed after a length of time (emphasis added)." The cited portions of Buist, however, neither teach nor disclose "a market center [that] charges a transaction cost for orders that are processed after a length of time."

Furthermore, independent claims 12, 34 and 42 also describe, *inter alia*, "assigning a time threshold to the first order, in which the time threshold comprises the length of time of the market center less a pre-determined amount of time; determining that the first order has not been processed before the time threshold; transmitting an instruction to cancel the first order (emphasis added)."

Again, the cited portions of Buist fail to teach or disclose these limitations. Instead, the Office Action misses the mark by citing col. 28, lines 54-62 of Buist, which states:

The user enters his default preferred negotiation time in the box 4115 under question 3. For example, if the user would prefer to have 10 minutes to respond to any buy, offers, he would enter "10 min." in box 4115. The user enters the lower time limit he will accept in the box 4120 under question 4. For example, if the user would not consider any offers which require him to respond in less than 2 minutes, he would enter "2 min." in box 4120.

As clearly indicated by the preceding paragraphs, this cited portion of Buist describes a "user-to-user negotiation mechanism" which "allows the user to set parameters to screen out unreasonable (according to the user's standards) counteroffers" (col. 28, lines 35-38). There is no discussion of "a market center [that] charges a transaction cost for orders that are processed after a length of time," as in Applicants' independent claims.

Neither is there any discussion of “*assigning a time threshold to the first order, in which the time threshold comprises the length of time of the market center less a pre-determined amount of time; determining that the first order has not been processed before the time threshold; transmitting an instruction to cancel the first order* (emphasis added).” Therefore, no *prima facie* case of anticipation has been proven for any of the claims. Claims 12 to 15, 17, 18, 21, 22 and 34 to 49 are allowable for at least the above-stated reasons.

D. General Comments on Dependent Claims

Since each of the dependent claims depends from a base claim that is believed to be in condition for allowance, Applicants believe that it is unnecessary at this time to argue the allowability of each of the dependent claims individually. However, Applicants do not necessarily concur with the interpretation of the dependent claims as set forth in the Office Action, nor do Applicants concur that the basis for the rejection of any of the dependent claims is proper. Therefore, Applicants reserve the right to specifically address the patentability of the dependent claims in the future, if deemed necessary.

E. Conclusion

In general, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicant : Thomas Daley, *et. al.*
Serial No. : 10/766,965
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Page : 10

Attorney's Docket No.: 04-6175

In view of the foregoing amendments and remarks, Applicants respectfully submit that the application is in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Applicants' undersigned attorney can be reached at the address shown below. All telephone calls should be directed to the undersigned at (857) 413-2056.

Date: July 21, 2008

Respectfully submitted,

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